

EX PARTE OR LATE FILED

DOCKET FILE COPY ORIGINAL

LATHAM & WATKINS

ATTORNEYS AT LAW
1001 PENNSYLVANIA AVENUE, N.W.
SUITE 1300
WASHINGTON, D.C. 20004-2505
TELEPHONE (202) 637-2200
FAX (202) 637-2201
TLX 590775
ELN 62793269

April 11, 1994

PAUL R. WATKINS (1899-1973)
DANA LATHAM (1898-1974)

CHICAGO OFFICE
SEARS TOWER, SUITE 5800
CHICAGO, ILLINOIS 60606
TELEPHONE (312) 876-7700
FAX (312) 993-9767

LONDON OFFICE
12 COPTHALL AVENUE
LONDON EC2R 7DH ENGLAND
TELEPHONE 071-374 4444
FAX 071-374 4460

LOS ANGELES OFFICE
633 WEST FIFTH STREET, SUITE 4000
LOS ANGELES, CALIFORNIA 90071-2005
TELEPHONE (213) 483-1234
FAX (213) 891-8763

BY HAND

William F. Caton, Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554


Re: Gen. Docket 90-314, Ex Parte Presentation

Dear Mr. Caton:

This is to advise you that on Friday, April 8, 1993, representatives of Bell Atlantic Personal Communications, Inc. ("Bell Atlantic") met with Ralph Haller, Chief of the Private Radio Bureau and Chair of the FCC's PCS Task Force; Julia Kogan of the private Radio Bureau; Renee Licht of the Office of General Counsel; Donald Gips and Greg Rosston of the Office of Plans and Policy; and Rodney Small of the Office of Engineering and Technology. At that time, there was discussion of issues raised on reconsideration of the Commission's Second Report and Order concerning broadband PCS. See In the Matter of Amendment of the Commission's Rules to Establish New Personal Communications Services, Second Report and Order, Gen. Docket No. 90-314, FCC 93-451, 8 FCC Rcd. 7700 (Sept. 23, 1993). A copy of handouts used in the presentation is attached. An affidavit of Professor Jerry Hausman was also distributed during the meeting, and has been filed with you under separate cover. There was no discussion of issues or arguments related to this proceeding that are not already set forth in the pleadings filed by Bell Atlantic.

Please direct any questions concerning this matter to me.

Very truly yours,


James H. Barker
of LATHAM & WATKINS

NEW YORK OFFICE

885 THIRD AVENUE, SUITE 1000
NEW YORK, NEW YORK 10022-4802
TELEPHONE (212) 906-1200
FAX (212) 751-4864

ORANGE COUNTY OFFICE

650 TOWN CENTER DRIVE, SUITE 2000
COSTA MESA, CALIFORNIA 92626-1925
TELEPHONE (714) 540-1235
FAX (714) 755-8290

SAN DIEGO OFFICE

1201 "B" STREET, SUITE 2100
SAN DIEGO, CALIFORNIA 92101-8197
TELEPHONE (619) 236-1234
FAX (619) 696-7419

SAN FRANCISCO OFFICE

505 MONTGOMERY STREET, SUITE 1900
SAN FRANCISCO, CALIFORNIA 94111
TELEPHONE (415) 391-0600
FAX (415) 395-8095

RECEIVED

APR 11 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

WEAKNESSES OF CURRENT ALLOCATION PLAN

- NO RECORD SUPPORT FOR 10 MHZ BLOCKS
- 10 MHZ BLOCKS ARE NOT ECONOMICALLY VIABLE AS STANDALONE BUSINESS
- CURRENT PLAN YIELDS DIFFICULT AND INEFFICIENT CONSOLIDATIONS
- CURRENT PLAN YIELDS ONLY TWO STRONG COMPETITORS
- "SELF-FULFILLING " PROPHECY

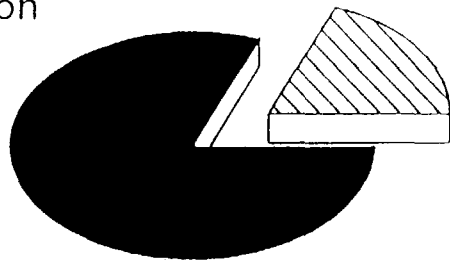
ADVANTAGES OF SIX 20-MHZ BLOCK PLAN

- INCREASED TECHNICAL EFFICIENCY
- INCREASED ECONOMIC EFFICIENCY
- FACILITATION OF MORE EFFICIENT AND ECONOMIC CONSOLIDATIONS OF PCS SPECTRUM BLOCKS
- CREATION OF MULTIPLE STRONG COMPETITORS
- ELIMINATION OF ANY POSSIBLE RATIONALE FOR ELIGIBILITY RESTRICTIONS, ALLOWING ALL COMPANIES TO BRING THEIR RESPECTIVE STRENGTHS TO INFRASTRUCTURE BUILDOUT

Current PCS Attribution Rules

BTA

If Applicant owns 19.9%
of a cellular company
in-region

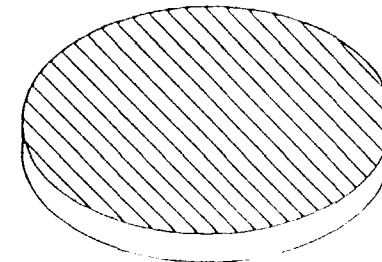


Cellular Company

then

(§ 90-204)

Applicant may also own
100% of the PCS licensee
in-region.

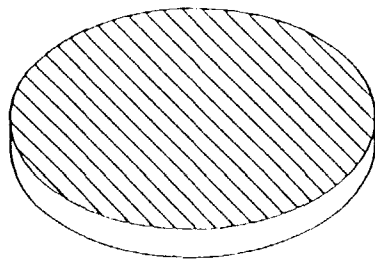


PCS Licensee

BUT

BTA

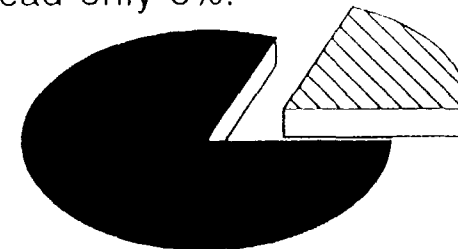
If Applicant owns 100%
of the cellular company
in-region



Cellular Company

then

It appears that Applicant may not
own 19% of the PCS licensee in-region,
but instead only 5%.



PCS Licensee

(PCS Order at ¶ 107 & n. 92)